

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

WILLIAM MONROE, *et al*,

Plaintiffs,

VS.

JENNIFER SMITH, *et al*,

Defendants.

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CIVIL ACTION NO. C-10-401

**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO DISMISS  
CERTAIN CLAIMS AND RETAIN CASE**

On March 2, 2011, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that the Court retain plaintiff's first amendment claims against David Diaz and E. Metz and that service be ordered on these defendants; and additionally, that the Court dismiss plaintiff's remaining claims against the remaining defendants for failure to state a claim or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). On March 24, 2011, plaintiff filed Objections to the Magistrate's Recommendations.


Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that plaintiff's first amendment claims against David Diaz and E. Metz are retained and service shall be ordered on these defendants. All of plaintiff's

remaining claims against the remaining defendants are dismissed for failure to state a claim or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 25th day of March, 2011.

  
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Janis Graham Jack  
United States District Judge